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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2015 - 12

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, ESTABLISHING THE
VILLAGE OF ESTERO COMMUNITY DEVELOPMENT
DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE;
REPEALING AND RESCINDING ALL ORDINANCES IN
CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014 and the Village Council was elected on March 3, 2015, pursuant to the Charter of the Village of Estero ("Charter") created by Ch. 2014-249, Laws of Florida; and

WHEREAS, the Charter provides that the Village Council shall have the broadest exercise of home rule powers permitted under the state Constitution and the laws of the state; and

WHEREAS, the Charter at Section 6, "Departments; personnel; planning," paragraph (1) "Departments; Boards; Agencies," provides that the Village council may establish such departments as it determines necessary for the efficient administrative operation of the village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents, and for the efficient administrative operation of the Village, to enact an ordinance that establishes the village Department of Community Development.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Village of Estero Community Development Department.

Sec. 2-1. Community Development Department established.

There is hereby established the village Community Development Department. The Department shall consist of the Director of Community Development, who is the department head, and such other employees and consultants as may be necessary and provided for in the budget. The Department shall consist of divisions including Planning and Zoning Services, Development Review Services, Code Compliance Services, Information Technology Services,

44 and Building Services, or such other divisions that the Village Council may establish by
45 ordinance from time to time.

46
47 Sec. 2-2. The Director of Community Development.

48 (1) The Director of Community Development shall have the following powers, duties
49 and responsibilities:

50 (a) Direct the performance of employees and consultants in the conduct of studies,
51 reviews, recommendations and activities for the administration and
52 enforcement of community development programs and regulations, including
53 but not limited to comprehensive planning, zoning, subdivision, development
54 permits, environmental permits, certificates of use, code compliance,
55 information technology and building permits and inspections.

56 (b) Provide administrative staffing for land use advisory boards and agencies as
57 may be established by the Village Council, including but not limited to the
58 Planning and Zoning Board, the Design Review Board, and the Special
59 Magistrate.

60 (c) Provide administrative staffing for the Village Council on matters that may
61 come before the Council, including but not limited to comprehensive planning,
62 zoning, subdivision, environmental permitting and code compliance matters.

63 (d) Maintain records, including maps, plats and surveys, the official zoning map,
64 and applications, plans and other data and information necessary to the conduct
65 of the village community development programs and permitting.

66 (e) Coordinate the preparation, adoption, and implementation of the Village's
67 Comprehensive Plan and Land Development Code.

68 (f) Coordinate Village programs and regulation and liaison as appropriate to ensure
69 coordinated planning with other community planning and development
70 agencies such as, but not limited to, the Lee County Community Development,
71 the Southwest Florida Regional Planning Council, the Metropolitan Planning
72 Organization, and the State of Florida Department of Economic Opportunity
73 Department.

74 (g) Recommend policies and objectives for review by public official and private
75 developers for the betterment of the village.

76 (h) Perform such other duties, powers and responsibilities as may be assigned by
77 the Village Manager or by ordinance.

78 (2) The Director shall be appointed by the Village Manager and shall serve at the
79 pleasure of the Village Manager.

80 (3) The Director may otherwise be referred to as the Village Development Services
81 Director.

82
83 **Section 3. Severability.** If any section, subsection, clause or provision of this
84 Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the
85 remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the applicable county ordinances currently in place at the time of the incorporation of the Village of Estero in conflict herewith are intended to be rescinded and repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading. ~~Upon the effective date, all applications filed pursuant to the Land Development Code for properties within the boundaries of the Village of Estero shall be filed with the Estero Community Development Department.~~ On and after the Effective Date, any applications under the Land Development Code relating to services provided by the Community Development Department for Code Enforcement, Development Review, Environmental Review, Zoning, and Planning shall be filed with the Village of Estero. Any applications under the Land Development Code relating to services provided by the Community Development Department for Building Services which are filed after December 31, 2015 shall be filed with the Village of Estero.

PASSED on first reading this 23rd day of September, 2015.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of ____, 2015.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Kathy Hall, MMC Nicholas Batos
Village Clerk Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq.
Village Attorney

Vote: AYE NAY

Mayor Batos	_____	_____
Vice Mayor Levitan	_____	_____
Councilmember Boesch	_____	_____
Councilmember Brown	_____	_____
Councilmember Errington	_____	_____
Councilmember Ribble	_____	_____
Councilmember Wilson	_____	_____